

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 07 CR 783-1
v.)	
)	Judge Matthew Kennelly
JAIME BARRAZA CRUZ,)	
)	
Defendant.)	

DEFENDANT'S NOTICE OF APPEAL

Defendant, Jaime Barraza Cruz, by his attorney, Thomas More Leinenweber, hereby gives notice to the United States of America of his intention to appeal to the United States Court of Appeals for the Seventh Circuit. This is an appeal of the final judgment of conviction and of Judge Matthew Kennelly's sentence of April 15, 2008, sentencing Cruz to sixty-four (64) months in the custody of the Federal Bureau of Prisons and thirty-six (36) months of supervised release.

Respectfully submitted,

s/Thomas More Leinenweber
Thomas More Leinenweber

Thomas More Leinenweber
Leinenweber & Baroni, LLC
321 South Plymouth Court, Suite 1515
Chicago, Illinois 60604
(312) 663-3003

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 07 cr 783

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

USA/appellee	Cruz/appellant
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Jacqueline O. Stern	Name	Thomas M. Leinenweber
Firm	AUSA	Firm	Leinenweber & Baroni
Address	219 So. Dearborn Suite 500 Chgo. IL. 60604	Address	321 S. Plymouth Ct. Suite 1515
Phone	312) 353-5300	Phone	312) 663-3003

Other Information			
District Judge	Kennelly	Date Filed in District Court	11/28/07
Court Reporter	L. Brennan X-5785	Date of Judgment	4/21/08
Nature of Suit Code		Date of Notice of Appeal	4/23/08

COUNSEL:

Appointed

☒

Retained

☐

Pro Se

☐

FEE STATUS:

Paid

☐

Due

☐

IFP

☐

IFP Pending

☐

U.S.

☐

Waived

☒

Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

☒

No

☐

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

☐

Denied

☐

Pending

☐

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 07 CR 783-1
v.)	
)	Judge Matthew Kennelly
JAIME BARRAZA CRUZ.)	
)	
Defendants.)	

DOCKETING STATEMENT

This is a direct appeal from a criminal conviction and sentence in federal district court. The criminal prosecution was brought pursuant to 8 U.S.C. ¶¶1326(a) and (b)(2) and 6 U.S.C. ¶202(4).

The jurisdiction of the district court was authorized pursuant to 18 U.S.C. Section 3231. The Court of Appeals for the Seventh Circuit has jurisdiction pursuant to 28 U.S.C. Section 1291 and 18 U.S.C. Section 3742(a).

The final order in this case was entered on April 15, 2008. Notice of Appeal was timely filed by defendant on April 24, 2008.

Respectfully submitted,

s/Thomas More Leinenweber
Thomas More Leinenweber

Thomas More Leinenweber
Leinenweber & Baroni, LLC
321 South Plymouth Court, Suite 1515
Chicago, Illinois 60604
(312) 663-3003

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 CR 783	DATE	4/15/2008
CASE TITLE	USA vs. Jaime Cruz		

DOCKET ENTRY TEXT

Sentencing held. Clerk of Court is directed to term all pending motions and deadlines.

Docketing to mail notices.

01:20

Courtroom Deputy Initials:	OR
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APPEAL, DENLOW

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00783-1
Internal Use Only

Case title: USA v. Cruz

Date Filed: 11/28/2007

Assigned to: Honorable Matthew F.
Kennelly

Defendant (1)

Jaime Barraza Cruz

represented by **Thomas More Leinenweber**
Leinenweber & Baroni, LLC
321 South Plymouth Court
Suite 1515
Chicago, IL 60604
(312) 663-3003
Email: thomas@landb.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

; 6:202(4) REENTRY OF DEPORTED
ALIENS
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Jacqueline O. Stern**

United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353-5300
Email: jacqueline.stern@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AUSA

United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353-5300
Email: USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED

Pretrial Services


.
435-5545
Email:
ilnptdb_Court_Action_Notice@ilnpt.uscourts.gov

ATTORNEY TO BE NOTICED

Probation Department

.
408-5197
Email: Intake_Docket_ILNP@ilnp.uscourts.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/28/2007	1	INFORMATION as to Jaime Barraza Cruz (1) count(s) 1 (meg,) (Entered: 11/30/2007)
11/28/2007		(Court only) ***Set/Clear Flags as to Jaime Barraza Cruz to Magistrate Judge Denlow (meg,) (Entered: 11/30/2007)
11/28/2007	2	DESIGNATION Sheet: FELONY (Category IV). (meg,) (Entered: 11/30/2007)
11/30/2007	3	NOTICE of Arraignment as to Jaime Barraza Cruz before Honorable Matthew F. Kennelly on Monday, 12/3/2007 at 9:30 a.m. (meg,) (Entered: 11/30/2007)
12/03/2007	4	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Barraza

		Cruz :Arraignment held. Defendant enters a plea of not guilty to all counts of the information. Defendant waives the right to prosecution by indictment. Waiver of indictment signed in open court. Change of plea set to 12/19/2007 at 2:30 p.m. Ordered time excluded pursuant to 18 U.S.C. 3161(h)(1)(F). Mailed notice (meg,) (Entered: 12/06/2007)
12/03/2007	5	WAIVER of indictment by Jaime Barraza Cruz (meg,) (Entered: 12/13/2007)
12/19/2007	6	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Barraza Cruz: Defendant withdraws plea of not guilty and enters a plea of guilty to Count One of the Information. Enterfinding of guilty. Case referred to the Probation Office for the preparation of a presentence report.Sentencing set to 4/2/2008 at 1:30 PM.Mailed notice (yap,) (Entered: 12/20/2007)
12/19/2007	7	PLEA Agreement as to Jaime Barraza Cruz (las,) (Entered: 12/26/2007)
04/01/2008	8	MOTION by Jaime Barraza Cruz to continue <i>Sentencing Date</i> (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	9	NOTICE of Motion by Thomas More Leinenweber for presentment of motion to continue 8 before Honorable Matthew F. Kennelly on 4/2/2008 at 01:30 PM. (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	10	ATTORNEY Appearance for defendant Jaime Barraza Cruz by Thomas More Leinenweber (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	11	<i>AMENDED</i> NOTICE of Motion by Thomas More Leinenweber for presentment of motion to continue 8 before Honorable Matthew F. Kennelly on 4/2/2008 at 09:00 AM. (Leinenweber, Thomas) (Entered: 04/01/2008)
04/02/2008	12	MINUTE entry before Judge Honorable Matthew F. Kennelly:Motion to continue sentencing 8 is granted as to Jaime Barraza Cruz (1); (Sentencing date of 4/3/2008 is vacated and reset for 4/15/2008 at 01:30 PM.) (or,) (Entered: 04/02/2008)
04/11/2008	13	SENTENCING MEMORANDUM as to Jaime Barraza Cruz (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	14	NOTICE of of Filing as toJaime Barraza Cruz regarding sentencing memorandum 13 (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	15	Sentencing Exhibits by Jaime Barraza Cruz (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	16	NOTICE of of Filing as toJaime Barraza Cruz regarding miscellaneous remark 15 (Leinenweber, Thomas) (Entered: 04/11/2008)
04/15/2008	18	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Cruz:Sentencing held. Clerk of Court is directed to term all pending motions and deadlines. Mailed notice (meg,) (Entered: 04/21/2008)
04/16/2008	 17	MOTION by USA to supplement as to Jaime Barraza Cruz <i>Government's</i>

		<i>Filing Of Defendant's Letter</i> (Attachments: # 1 Letter)(Stern, Jacqueline) (Entered: 04/16/2008)
04/23/2008	19	NOTICE OF APPEAL by Jaime Barraza Cruz regardin in court hearing 18 (Leinenweber, Thomas) (Entered: 04/23/2008)
04/23/2008	20	DOCKETING statement by Jaime Barraza Cruz regarding notice of appeal 19 (Leinenweber, Thomas) (Entered: 04/23/2008)
04/23/2008	21	NOTICE of of Filing Appeal as toJaime Barraza Cruz regarding docketing statmeent 20 , notice of appeal 19 (Leinenweber, Thomas) (Entered: 04/23/2008)
04/24/2008	22	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 04/24/2008)